Bombay Gazette.

Wednesday, December 10, 1817.

Volume 28.) *(Number 1436.*

Sale by Auction.

THIS DAY THE 10TH INSTANT,

THE FOLLOWING

WILL BE EXPOSED FOR SALE

at

Loughlin and Hunt's

Auction Rooms,

IN ADDITION TO THE

VARIETY OF ARTICLES

Already deposited there

For Public Sale,

VIZ.

A SUBALTERN'S Tent complete, which may be seen pitched in the rear of the Hon'ble Company's Cooperage on the Apollo Green, Europe Flowered Japan Muslins, ditto Superfine Doreas, ditto Satin Dimities, ditto Cambric Neck Handkerchiefs, ditto Square Coloured ditto, ditto White Pocket ditto, and other different descriptions of Piece Goods. Also, London particular Madeira, English and French Claret, Red Port, Hock, Vin de Grave, Cyder & Perry, Welch Ale, Dorchester Beer & Hodgsons Pale ale, excellent Brandy by the Gallon in small Lots, Hollands Gin in bottle &c. &c.

The Sale to Commence at 11 o'clock forenoon.

N. B.—The Tent will be put up for Sale, precisely at one o'Clock.

For Private Sale

AT

Loughlin and Hunt's

COMMISSION ROOM,

A Chesnut real Arab Saddle Horse, 14 hands high, 6 years old, perfectly quiet, and an excellent parade Horse, with Saddle, Bridle &c. Price Five hundred Rupees; also, a second hand serviceable Madras Built Buggy with an excellent tempered young Arab Horse, and a set of Europe Harness, Price 850 Rupees: For further particulars please to enquire at the Commission or Auction Rooms.

Bombay, 10th December, 1817.

Fox Hounds

FROM

THE DUKE OF BEAUFORT'S

Pack, and other Dogs,

TO BE DISPOSED OF.

ENQUIRE AT

Capt. Norton's,

BAKE-HOUSE LANE.

Bombay, 10th December 1817.

The Honourable Company's Ship

HUDDART,

Captain Charles Weller,

Just sailed from this Port

TO THE

Malabar Coast,

WHERE she will remain some time to receive her Homeward ...nd Cargo; has excellent accommo...ons unoccupied viz. one half of ...ound House, one Cabin adjoining ... Cuddy and two large ones ...ng the quarter deck, under the Poop, with water closets complete, and cabins below of large sizes; for Passage apply to Mr. J. JOHNSTON Purser of the said Ship, in Hummum Street.

N. B.—By applying early a good ...portunity may offer for joining the ...p on the Coast by the after Pack-

Bombay, 10th December, 1817.

Advertisement.

Sales by Auction.

ON FRIDAY AND SATURDAY,

the

12TH AND 13TH INSTANT,

the

Undermentioned Articles

WILL BE

EXPOSED FOR SALE

BY

E. Reel & Co.

THE PROPERTY OF

Colonel Smith,

Who has lately left the Settlement,

VIZ.

ON FRIDAY,

at

Col. Smith's Compound

ON THE GREEN,

PRECISELY AT 11 O'CLOCK,

ONE Field Officer's two poled Tent double walled, one ditto Routie, one ditto two poled Tent singlewalled, one Cooking Tent, one ditto one poled Tent, one small Tent, one Horse Fly,

AND ON SATURDAY,

AT HIS

AUCTION ROOMS,

Nesbitt's Lane,

WILL BE SOLD

Colonel Smith's

Valuable Household

AND

CAMP PORTABLE FURNITURE,

Consisting of

Cots, Dining Table and Couches, Bullock and Camel Trunks, two very fine Cavalry Saddles, Glass & Queens ware consisting of Table Shades (neatly fitted in Leather cases for the Field) Dinner and Tea Set, one very fine Europe built Buggy, one do. Bengal, 120 Doz. of very fine Jamaica Rum, 200 Doz. Brandy, 170 Doz. Madeira Wine and several very fine Palanquins.

Bombay, 10th December 1817.

Advertisement.

RECORDER'S COURT.

ECCLESIASTICAL SIDE.

In the Goods of CONALLEY ROBERT McCAUSLAND, deceased.

APPLICATION having been made to the Honorable Court of the RECORDER of Bombay, that Letters of Administration of the Estate and Effects of CONALLEY ROBERT McCAUSLAND, late a Lieutenant in the Military Service of the Honourable East India Company on their Madras Establishment, deceased, may be granted to WILLIAM BOYCE, RODNEY KEMPT, CHRISTOPHER BROWN BOYCE and BURJORJEE NANABHOY, all of Bombay Inhabitants, trading under the name of BOYCE KEMPT and COMPANY, the Simple contract Creditors of the said deceased, all persons concerned are hereby informed thereof; Dated 6th December, 1817.

T. W. BROWNE,

PROCTOR.

Advertisement.

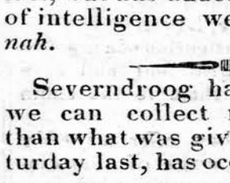
FOR LONDON,

THE HERALD

FREE TRADER,

John Foreman,

Commander,



WILL sail about the 20th instant. She has a commodious Cabin for a family. For passage apply to the Commander on board, or DADY RUSTOMJEE at DEENSHAW NOWROSJEE & Co's. Shop, opposite to EDULJEE CURSETTJEE'S Auction Room in Medows Street.

Bombay, 10th December, 1817.

NAUTICAL CHRONICLE and NAVAL REPORT.

BOMBAY.

ARRIVED.—6, Ship Albinia, Free Trader, Captain James Porson, from England.—Ditto, Ship Conde do Rio Pardo, Captain H. Bayts, from Bengal —7, His Majesty's Ship Towey, William Hill Esq. Captain, from Severndroog.—H. Company's Timber Ship Ernaad, Lieutenant D. Jones, from Mangalore.—9, Brig Prime, Syrang Coonjee, from Calicut.

SAILED.—3, Portuguese Cruizer Saõ Pedro de Alcantra, Commander Major Antonio Joseph Joaquim Fereira, to Diu.—5, Armed Boat Vigilant, Syrang Doss Mahomed, to Severndroog —7, the Honourable Company's Extra Ship Carmarthen, Captain James Ross, to England.—Ditto the H C. Ship Huddart, Captain Charles Weller, to London.—8, Ship Carron, Captain D. Seton, to Calcutta.

MARRIAGE.

On Saturday the 22d ult. at St. Thomas' Church, by the Venerable Archdeacon Barnes, Edward Ironside Esq. Judge and Magistrate at Kaira, to Mary Ann Caroline, second daughter of John Rawlins Esq. late of the Bengal Civil Establishment.

The Gazette.

WEDNESDAY, 10th DECEMBER 1817.

The Albinia has arrived since our last, but has added nothing to the stock of intelligence we received by the *Hannah.*

Severndroog has fallen, but as far as we can collect nothing more material than what was given in the Courier of Saturday last, has occurred at Poonah.

We regret that we are not able to lay before our readers the articles of the late treaty with Dowlut Rao Scindia. We understand, however, in general, that there is a stipulation for a second cession to the English Government of some small territories to the northward of this place, formerly in our possesion, being in themselves of little value, but from their situation necessary to the security of Surat and of our other possessions in that quarter. It is also understood, that some strong posts, in other situations, are temporarily to be delivered to us for the purpose of rooting out the predatory hordes of Pindaries and other freebooters, or of forcing them to adopt the habits of peace and good order, and to be then restored.

This is the most glorious species of success that can be atchieved. It is most compleat, and it is effected without bloodshed, and without political craft. It is the effect, partly indeed of power, but also, and much more conspicuously, of the habitual confidence with which the conduct of the British Government in India has evidently inspired those powers which are capable of reasoning on their situation. They see that we have rejected all objects of aggrandisement, and seek only to protect our allies and ourselves from aggression. The unresisted entry of Col. Close's detachment into the heart of the Marhatta dominions in 1810, and his peaceable return from those countries as soon as he had repelled the invasion of Berar and the Deckan by Meer Khawn, and when it was evident that no resistance could be opposed to the objects of his expedition whatever they might be, seem to have contributed to produce this happy effect upon the minds of our neighbours. But the great practical author of the system, of which the expedition of Col. Close, was so strong an illustration, was that eminent statesman the Marquis Cornwallis, the wisdom of whose moderate councils must now be felt by all.

When he arrived in India, at the close of the glorious administration of Lord Wellesley, he found every thing that ought to be desired, already atchieved—the regular forces of the two great Mahratta powers were utterly broken down. No enemy was able to face the British in the field. But an irregular predatory warfare still continued, and if the chiefs of the Mahrattas had been driven to dispair, that species of warfare might, and probably would have continued for years. He found the Revenues, even of Bengal, for the moment exhausted, and the credit of the Government at a stand. It seemed to be approaching to the state of the war in Europe, when France avowedly bank-rupt itself, struggled to bring its more prudent neighbours to the same state.

The wise moderation of Lord Cornwallis saved India from this danger. He offered to the Mahratta chiefs almost their own terms. He saw that all that the British Government wanted was time. Not time to acquire fresh vigor for new conquests, according to the principles of aggrandisement of the late Corsican conqueror, but time to secure in peace the fruits of the territories already possessed, and already much greater than was desirable if it could have been avoided.

Lord Cornwallis foresaw that as the British Government must necessarily, by the regular system of prudent œconomy which he planned, daily gain strength by the continuation of peace, all the rival powers must, by the inmate and incurable defects of the principles of their Governments, dwindle into insignificance.

The whole character of the subsequent events in India, completed by the late treaty, is the true commentary upon this most wise council. It has in every point been fully verified by the event, and even children can now see the necessary connexion between the cause & the effect in the production of the present state of the powers of India. But every part of Lord Cornwallis's policy plainly indicates how clearly all this was foreseen by him. He left to each power ample field to indulge against all the others its propensities to war and to rapine; propensities ruinous to all parties; and when confined to a small scale of operations, always ruinous in the end to the aggressor. But its most obvious and certain consequence was the total disunion of the native powers; the habit of resistance against habitual oppression necessarily kept alive the strongest feelings of mutual jealousy, and fear, and resentment among those whose union alone could ever be formidable to the British. It allowed the natural effect of time, to soften or even to obliterate any general feeling which might have sprung up against the rule of strangers, and fixed all the angry passions in habitual directions most fortunate for the British interests. After a long and extended scene of war, we had in general no reason to protect any of the native powers against the rest. Most of them had been our avowed enemies; some of the smaller had played off upon us long and often the miserable game of petty politics, in pretending to be friends when we were strong, accepting our support, and then deserting us in the day of need. Lord Cornwallis continued the British protection to the few who had been faithful. All the rest he left to settle among themselves the natural account between ill judging and ill directed force on the one side, and paltry cunning on the other. The effect has been such as few at that time had sufficient sagacity to foresee, and the perseverance in the plan of prudence places the political wisdom of the successive Governors General in the highest point of view. By incessant petty warfare on every side, the native powers have sunk into general impo-

tence, while the British power firmly supported by the ample possession of the sinews of war, is felt and acknowledged to be irresistible. Berar and the other more peaceable powers have sought our support, and have courted that connection which but lately they deprecated. In this, the predatory habit of the Marhattas has been to us a most valuable political engine of assistance. It has forced the timid to elect an alliance; and they have preferred strength, and justice, and moderation, before imbecility and oppression.

Among the consequences which might perhaps have been foreseen, but which do not appear to have been in fact foreseen by any one, as likely to arise out of the weakness of the principal native Powers, will naturally be reckoned the rise of the Pindaries, our supposed principal adversaries, and the apparent cause of the present armed state of the British power in India. They have flourished for a season, long enough to render it manifest to every state in India, that further endurance of their lawless course would be as ruinous to the peaceable native states as to the British territories; and India has cast its eyes to the British power for protection. Perhaps there is no part of the good fortune of our country more conspicuous or more generally recognized in the history of our successes in the East, than the happy adaptation of the various characters, who have governed it, to the peculiar times and occasions, when the reins of Government fell into the hands of each. The Pindaries if allowed to grow up, certainly might and probably would become formidable. They have already been very troublesome. The energies of the British Government in India seem to be at this moment exerted with a vigor fully suited to the occasion. In a few years it will probably be forgotten, that the Pindary banditti ever had existence.

The sudden defection and base treachery of our late Ally the Paishwa, whom all Bombay saw but a few years ago restored by the British power to the Musnud from which he had fled, cannot be accounted for except by blind partiality for a worthless favorite, and a determination to protect him at all hazards from punishment for his crimes. This will, no doubt, afford further opportunities to display the prowess and the discipline, and the unshaken attachment of our troops, as well as new instances of that moderation which is the peculiar characteristic and the boast of the British Government in India. But we need not enlarge upon this. To praise Hercules is to waste our words.

Since putting the above to the press we are extremely sorry to find, that the Berar Rajah has been guilty of an act of hostility and aggression similar to that lately perpetrated by the Paishwa. His treachery however met, as might be expected a similar fate.

The free trader Jemima will sail on Sunday the 14th, and letters to be forwarded by her will be received at the Office of Messrs. Remington Crawford & Co. until 4 o'clock of Saturday the 13th Instant. The Herald will sail about the 20th, and the Hannah, for Liverpool, before the end of the present month. [*The Courier.*

English Extracts.

There are at present in the University of Cambridge, 1359 members of the Senate, and 3,275 members on the boards, being the largest number on record; the number in 1804, being but 2,122, and in 1748, but 1500. Trinity and St. John's include half the University. The Literary and Debating Society of the University have made application to the VICE-CHANCELLOR for permission to resume their meetings, but in vain.

Mrs. DICKONS arrived at Milan on the 18th of May on her professional tour.

A curious trial is about to take place in Paris. A young lady, on the 1st of April last, pocketed a watch in the house of a friend. She was arrested the same day, and taken before the Correctional Police, when being charged with the fact, she said it was an April trick (*un Poisson d'Avril*)—She was asked whether the watch was in her custody? She denied it; but a messenger was sent to her apartment, and it was found on the chimney-place. Upon which the young lady said, she had made the messenger an April fool (*Poisson d'Avril*). The pleasantry, however, did not end so happily, for the young lady was jocularly recommended to remain in the House of Correction till the first of April next, and then to be discharged as a *Poisson Avril.*

LITERATURE.—*The Edinburgh Review* contains a severe critique on Mr. Southey. *Wat Tyler* is characterised, and the letter to Mr. Smith of Norwich is dissected. in a tone of raillery, which is not railing; and that mixture of weakness, arrogance, egotism, and intolerance, so conspicuous in Mr. Southey's recent productions, is exposed in a manner which is altogether unparalleled. The author of this critique proceeds with so much ease, as in appearance to be playing with a subject below his notice; but yet with so much effect, as to make the lightest of his strokes of wit and satire reach to the very core.

THE M'CARTHY LIBRARY.

The sale of the Library of the late Count M'Carthy, which began at Paris on the 28th of January, closed the 6th of May. This Library, which had long been distinguished as one of the richest private collections in Europe, and which stood unrivalled for the number of articles it contained printed upon vellum, could not be offered for sale without exciting considerable interest. The Directors of the Royal Library at Paris (the finest public Library in the world) knowing this would be the last opportunity of obtaining some of the rarest early specimens of printing, which had for years been sought for in vain, and knowing also how inadequate their funds were to fulfil this object were fearful that the opportunity would be lost. Louis XVIII. was acquainted with the circumstances, and advanced from his private purse a liberal sum, to purchase some of the most desirable articles: among them were the Psalter of 1457, the first book printed with a date, which sold for 12,000 francs; the first editions of the Chronicles of Froissart and Monstrellet, printed on vellum by Verard, 6050 fr.; Virgilius, Venetiis per Bartholemeum Cremonensem 1472, printed on vellum, but wanting two leaves, one of the rarest editions of the Poet, 2440 fr.; Le Romant de Milles at Amys, Paris Verard, printed on vellum, one of the most beautiful books in the Library, and a Romance of the greatest rarity, 2300 fr. &c. &c. &c. We understand that the Royal Library of Paris will eventually have three hundred volumes printed upon vellum from this collection, and are sure that no English Collector will grudge them such an acquisition to their treasures, who knows the liberal manner in which that Establishment is conducted, and the attentions which are shewn by the principal Librarian, Mr Van Praet. To English Amateurs this sale offered a feast much too rich to be neglected, and we have great satisfaction in stating, that about half the Library is destined for this country, and certainly not the worst half. Most of our principal Bibliomaniacs have added some treasures to their former stores, and the article of the highest price, the book of the most intrinsic value, the Complutensian Polyglott, printed upon vellum, we are proud to say was purchased for an English private gentleman for the sum of 16,100 francs. Such a book is enough to make a library otherwise indifferent; of consequence; but when added to one already extremely rich, will make the Hibbert Collection rank throughout Europe in the first class of private Libraries. The total produce of the sale was 404,000 francs (16,000 guineas), a sum much less than had been offered for the collection three years since by an English Nobleman, and which offer was injudiciously refused by the family.

Invalidique patrum referant jejunia nati.
"From want of place
Seditious sons arise—a hungry race"

Government should be the foundation of social happiness, which is often disturbed through the *parties* that formed the *union* not taking the precautions which would secure them the advantage of this great domestic blessing.

Amid the melancholy variety of misfortunes under which the politician is known to suffer, there are none more alarming or distressing, than those which result from fashionable levity, early indecision, or solitary opposition.

Messrs. CANNING, BOURNE, BINNING and Co. beg to state, that the sedulous attention of a practice exclusively directed to the treatment and cure of certain complaints, entitle them to the claim of superior acquirement.

As regular practitioners, they offer a speedy and permanent cure for every stage of that disorder which is contracted in an unguarded moment, and which poisons the springs of hope, and for every class of debility and juvenile indiscretion, preventing the maturity of Statesmanhood, entailing on its unhappy victim by anticipation, all the disgrace of veteran profligacy; the character becoming despicable, the speech faltering and indistinct, and the mind gloomy and dejected.

For the result of their success in this particular branch, they refer to that reputation which they flatter themselves they have acquired by more than twenty years experience in a much extended practice.

In slight and recent cases a prefect cure is effected in the short period of two days; and in cases of strictures on the state of affairs, disappointment of family hopes, hypochondriac sensations, the sufferer fancying himself a *rat*, weaknesses, &c. &c. &c. proper perseverance in their plan of treatment insures to the patient *a thorough change of the Constitution. Old Members* who have long been disappointed in their *family* expectations, may be assured that the cure of such defects, by the gradual progress of renovation, or change, of *system*, is the acquirement of long experience.

Messrs. CANNING, BOURNE, BINNING, and Co. may be consulted by patients of either PARTY with the greatest secrecy, at home, or by letter enclosing a pound note.

The following communications have been received by us:—

LETTER FROM THE HONOURABLE JOHN WILLIAM WART.

"GENTLEMEN—When a man receives a benefit from the excellence of another's ingenuity, I deem it but right, notwithstanding the pecuniary trifle which it exacts, that he should with gratitude acknowledge it. I therefore take this opportunity of informing the public through you, that I was for some time troubled with a certain disorder, beyond almost the hope of cure, from a continued restlessness, which presented every thing to me in the most gloomy light; but by your skill, and change of *air* and *scene*, I have so thoroughly recovered from its effects, that I am quite a different *creature*, and so altered that my *old friends* hardly know me. I am yours, &c. &c.

"JOHN WILLIAM WART.

"June 10th, Halfmon-street."

LETTER FROM LORD HOTROLLE.

"GENTLEMEN,—ALEXANDER MACKENZIE, my coachman, being for a long time afflicted by a certain complaint, which occasioned him the most dreadful sufferings, and deprived him of sleep and spirits, was entirely restored by your prescriptions, and being seated in a *certain place* on last Monday night, when he fell fast asleep, and has ever since so perfectly enjoyed that faculty, that he is now grown fat and well, and has been thus, through your judgment, recovered to his disconsolate wife. The poor fellow is all gratitude. The effect of your remedy was so imperceptible, that he can only recollect hearing his master's voice immediately before he sunk into the most profound torpor, asking him, "whether his night-cap fitted him," or words to that effect. Yours, &c. &c. "HOTROLLE.

"43, Upper Grosvenor-street.

"Messrs. CANNING, BOURNE, BINNING and Co."

A distressing picture is given in the American Journals of the miserable wretches who have been induced to emigrate from Holland and Germany; and some severe but just remarks are made on the conduct of those Captains who are styled the kidnappers of the foreigners. A person of some credit, pleading the cause of these deluded and unhappy emigrants, terms the trade an unhallowed speculation in white freemen's liberty, which he considers in the highest degree derogatory to the character of the American Republic. He avers—

1st. That such servants as come from Germany, at least, are generally ignorant of that humiliating fact, that they are to be made slaves for years, for the payment of their passage.

2d. That they are not driven by famine or necessity from their native country, but that they are enticed by kidnappers with false promises of happiness and gain, superior to any they could enjoy in Europe.

3d. That the whole business is a speculation, even more infamous than the slave trade on the coast of Africa.

4th. That the inhuman traffic is a flagrant breach of the law of Nations, and abhorred by every civilized Government.

5th. The laws in America, sanctioning such an unrepublican, unchristian, immoral, and fraudulent traffic, are absolutely unconstitutional, and ought, for the honour of the only remaining republic on earth, to be speedily and eternally repealed.

The usual plan, when the American Captain arrives with his ship in Holland and Germany, is to engage a person fit for his purpose who is conversant in the several European languages. By his means the strongest temptations are held out to allure the poor wretches from their friends and their homes, to an enterprise, the end of which is a state of the most abject slavery. If they object their inability to pay their passage, the kidnapper tells them, that this is a mere nothing; that he has friends and acquaintances in America, who stand greatly in need of mechanics; that the wages being so high, they can in a short time, work out such a trifling sum, and that he will stand their security with the Captain. Not until they arrive in America they are told by the Captain that they must not leave the ship till they have satisfied him for the passage-money; and that to pay this money they have no other way left than to indent themselves to some American or other, upon as good terms as they can get, *as servants*, and that from such purchasers he expects his pay. The surprise of the kidnapped passengers can easily be imagined. Their "friend and patron" forsakes them, and, sick and tired of the hip, and unacquainted with the language and laws of America, they subscribe, to any instrument of writing, mostly with the determination to run away on the first opportunity.

The Amelia, which sailed on Sunday se'nnight from the Clyde, for Kingston, Jamaica, carried out 2,061,809 yards of linen and cotton goods, besides a variety of other articles.

The workmen employed in cutting through Boughton Hill, in Kent, lately found three bullets nearly thirty feet from the surface of the solid clay. The lead is so pure, that when cut it exhibits a beautiful metallic lustre. The surface is covered with an encrustation of a green colour, resembling in appearance clay when combined with pyrites. No probable conjecture has been formed as to the manner and time of their being buried there.

The system of iron paving seems to be coming into use in the metropolis and promises to be highly beneficial. Already the stone paviours are alarmed for the *safety* of this great city, and with much solicitude wish to call upon Parliament to prevent the laying down of such an immense area of an *electric conductor* as will bring all the thunder to London!—How comes it that Parliament have so long suffered the Thames to pass so near this great Metropolis?

We are happy to be able to call the attention of our readers to *The Round Table*, a collection of Essays by Mr. Hazlitt, which, on account of acuteness of argument, and extent and originality of observation, form an important addition to the works of this description, in which our literature is already so rich;—and it is the more valuable, as parts of it supply the deficiency of former essayists on the subject of the philosophy of the arts. Those papers which relate to manners in the larger sense of the word, do not, like the periodical publications of the early part of the century, string together ingenious remarks in support of established opinions, nor secure the applause of the reader by flattering his prejudices, but they give what is necessary to an enlightened view of human affairs, an ingenious display of the inconveniencies of systems, the propriety of which has been taken for granted, and of the accompanying evils of habits from which mankind derives the greatest advantages. They are not, as Bacon calls his inimitable discourses, counsels, but pleadings, which, though they do not always contain the whole truth, put us in a condition more easily to attain it. We refer to the essays on the Tendency of Sects, on Good Nature, and on Pedantry—from the latter we shall give an extract, for though to give short passages from works of this description, is something akin to the practice of the man who carried about a brick as a specimen of a house, the readers may judge somewhat of the materials of the structure.

"Again, it may be questioned whether, in matters of mere human reasoning, much has been gained by the disuse of the learned language. Sir Isaac Newton wrote in Latin; and it is perhaps one of Bacon's fopperies that he has translated his works in English. If certain follies have been exposed by being stripped of their formal disguise, others have had a greater chance of succeeding, by being presented in a more pleasing and popular shape. This has been remarkably the case in France (the least pedantic country in the world), where the women mingle with every thing, even with metaphysics, and where all philosophy is reduced to a set of phrases for the toilette. When books are written in the prevailing language of the country, every one becomes a critic who can read. An author is no longer tried by his peers. A species of universal suffrage is introduced in letters, which is only applicable to politics. The good old Latin style of our forefathers, if it concealed the dulness of the writer, at least was a barrier against the impertinence, flippancy, and ignorance of the reader. However, the immediate transition from the pedantic to the popular style in literature was a change that must have been very delightful at the time. Our illustrious predecessors, the *Tatler* and *Spectator*, were very happily off in this respect. They wore the public favour in its newest gloss, before it had become tarnished and common—before familiarity had bred contempt. It was the honey-moon of authorship. Their Essays were among the first instances in this country of Learning sacrificing to the Graces, and of a mutual understanding and good-humoured equality between the writer and the reader. This new style of composition, to use the phraseology of Mr. Burke, "mitigated authors into companions, and compelled wisdom to submit to the soft collar of social esteem." The original papers of *The Tatler*, printed on a half sheet of common foolscap, were regularly served up at breakfast time with the silver tea-kettle and thin slices of bread and butter; and what the ingenious Mr. Bickerstaff wrote over night in his easy chair, he might flatter himself would be read the next morning with elegant applause by the fair, the witty, the learned, & the great, in all parts of this kingdom, in which civilization had made any considerable advances. The perfection of letters is when the highest ambition of the writer is to please his readers, and the greatest pride of the reader is to understand his author. The satisfaction on both sides ceases when the town becomes a club of authors, when each man stands with his manuscript in his hand, waiting for his turn of applause, and when the claims on our admiration are so many, that, like those of common beggars, to prevent imposition, *they* can only be answered with general neglect. Our self-love would be quite bankrupt, if critics by profession did not come forward as beadles to keep off the crowd, and to relieve us from the importunity of these innumerable candidates for fame, by pointing out their faults, and passing over their beauties. In the more auspicious period just alluded to, an author was regarded by the better sort as a man of genius, and by the vulgar as a kind of prodigy; insomuch that the Spectator was obliged to shorten his residence at his friend Sir Roger de Coverley's from his being taken for a conjuror. Every state of society has its advantages and disadvantages. An author is at present in no danger of being taken for a conjurer."

FRANCE.

MERITS OF PARTICULAR DISTRICTS.

On considering the relative merits of particular residences, we shall find that, to families in easy circumstances, Versailles, St. Germains, and other places in the vicinity of Paris, may be expedient; but in point of economy, the banks of the Loire and Lower Normandy have the advantage, by a full third, of the metropolis and its neighbourhood. Tours on the Loire, and Caen in Normandy, are favourite places of resort with our countrymen, and very fit residences they are for the genteel economist. The comforts of life, and the enjoyments of society, may here be procured at one-third less than in a provincial town in England; but those with whom saving is a paramount consideration, will do well to move farther westward, and seek a retired place, such as Saumur, or Avranches. The farther saving is about twenty per cent. on the price of Caen or Tours; but it is attended with considerable inconveniencies, and, in particular, with the want of good schools and genteel society. Rouen is dear, being little below the level of Paris; it is, besides, much more a place for business than for education or retired life. The south of France seems eligible only for consumptive patients: prices, with the exception of wine, are nearly on a level with the northern and central ports, while to English children there is a very serious danger from the intensity of the summer heats. On the whole, there seems no reason that an English family, going abroad for the purpose of economy or education, should contemplate a residence to the southward of the Loire. Nothing is more unadvisable than to move about from place to place—in point of expence they will find, notwithstanding the most confident assertions to the contrary, no other difference than what is mentioned above; so that the grounds of preference are to be sought in the advantages of one town above another in point of schools or in salubrity of situation. As to climate, the general rule is, that all along the coast it partakes of the character of our own, being changeable and humid, but without unpleasant extremes, either of heat or cold; while, in the interior, it is less variable, the winter shorter by several weeks, but the summer so far hotter as to prevent the taking of exercise in the middle of the day.

Accent.—It is common to lay stress on the difference of provincial accent, and to consider one part of France as preferable, on that account, to another. Among other notions of this kind, Blois is said to be a wonderfully eligible place, from having been, in former ages, the residence of the French court. All such

Digitized with financial assistance from the Government of Maharashtra on 28 June, 2017

distinctions are exceedingly exaggerated; the language is spoken badly by none but the peasantry, and the poorest class of the inhabitants of towns; people of genteel, and even of middling, circumstances, speak very much alike throughout France; and exceptions, when they [illegible] are confined to a few remote provinces it is not likely that English families think of fixing their residence.

Flanders.—The difference, in point of [illegible] between Flanders and France is very [illegible] the balance (from 10 to 15 per cent.) in favour of the latter being counterpoised by the superior comfort of the houses: the climate also is similar; so that the chief drawback on a Belgic residence is the bad accent with which the people speak French, particularly in giving a gutteral sound to the *g*.

Habits and Peculiarities of the French.

I shall begin by supposing an English family landed on Gallic ground; one of the first things that will strike them is the odd variety of dress exhibited in the streets and market-places—great coats, jackets, trowsers, caps, cocked hats, and wooden shoes, are all displayed in delightful mixture, without exciting any surprise on the part of those who have been some time settled in the country, and who consider this strange assemblage to be perfectly *en régle*. The female part of this moving scene are in general equipped, if not with taste, at least with some regard to neatness and cleanliness; but the male sex appear, on the whole, to great disadvantage, from their habitual negligence in these essential points. *se raser tous les deux jours* is accounted unusually frequent in a provincial town in France. On settling in a town, the rule for the new comer is, not, as with us to await a call from the inhabitants, but to be the first in making visits, on the ground that a stranger should be allowed to choose his own society, or to decline visiting *in toto*, if that be his wish. The French always take a visit as a compliment, but by no means account it strange that a foreign family should live in retirement. "*Ce Monsieur Anglais*," says one, "*prefére la retraite; c'est apparemment la mode de son pays.*" "*Pardonnez-moi*," says another, "*je connois plusieurs Anglais, qui vont en société, et qu'on y trouve fort aimables.*"

We cannot add to the list of the good qualities of the French the praise of veracity, there being, throughout almost all their conversations a lamentable want of attention to truth. This proceeds, however, less from a wish to deceive than from a habit of exaggerating, and the desire of exciting wonder, and of attracting attention. The great practical evil resulting from it is the wrong impressions received by travellers, who are unaware of this singular habit, and accustomed, like our countrymen, to take reports *à la lettre*. Hence those tales of disturbance, and apprehended insurrection, with which our newspapers are perpetually filled in regard to France.

Another curious peculiarity of our southern neighbours is the habit of speaking, without reserve, about their private affairs, and of questioning a stranger, with equal freedom, about his own. They have not thought enough to solicit a communication by indirect hints, which leave it at the option of the party to speak out or not, as he may choose; they put, without hesitation, such pointed questions as—"*Monsieur, quel est votre état*" (profession)?—"*Madame, que fait votre mari!*" and will sometimes go the length of asking, "*Monsieur, êtes vous riche?*" A countrywomen of our own, being apprised that some of the ladies, to whom she was about to be introduced, might put to her the puzzling question, "*Madame, quel âge avez-vous?*" fortified herself with the determination of answering, on all such occasions, "*Madame, je ne dépasse jamais les vingt-cinq ans.*"

These queries, which to us wear so much the air of impertinence, are put by the French without design, and are merely meant to aid in carrying on a friendly conversation. In like manner those appearances in their language and conduct, which strike so many of us as indicative of a want of moral propriety, arise not from any tendency to vice, but from that habitual want of thought, which prevents them from distinguishing, with any accuracy, between right and wrong. So incapable are they of deliberate reflection, that many of them never suspected the conspiracies of the Allies against France, till they read the decrees which overturned their Government and narrowed their Empire. Nay, a still greater number never troubled themselves to think at all on the restoration of the Bourbons by foreign force, till they read the fact in the splendid proclamations of Napoleon on his triumphant return from Elba. It is no less remarkable, that Robespierre was accounted the father of the people until the day of his execution, by which time, and not before, his opponents had found means to persuade the Parisians that he was a bad man, by disseminating the singular charge, "*Qu'il avoit trahi la cause de la liberté.*"

The unreserved freedom of conversation in France leads people into a habit of trumpeting [illegible] praise, a manner that seems not a [illegible]ange to those who are not accustomed to it. Such language, in our part of the world, is generally the forerunner of imposition, or indicative at least of unpardonable vanity; with a Frenchman it has very little meaning one way or another, for vanity can form no characteristic among a people who possess it universally, and who never make an effort to conceal it. An English family, when about to rent a furnished house in France, were stopped short by a demand of the proprietor to retain for himself the occupancy of a couple of rooms—a demand which was made in a letter, expatiating on his accommodating temper, and concluding with the modest remark, "*Si vous ne pouvez vous arranger avec moi, vous ne vous arrangerez avec personne.*" Another Frenchman, who had fallen into the shade from an imprudent display of party feeling, complained bitterly of his disappointment "*lequel,*" added he, "*est d'autant plus injuste, que je suis bon mari, bon epoux, bon citoyen.*"

Felix de Beaujour, a traveller and writer of some eminence, says of the inhabitants of New York and Philadelphia, that they "cannot die contented without changing their profession two or three times in the course of their lives." He might, without any undue severity, have passed a similar observation on his own countrymen, among whom it is nothing unusual to witness the most extraordinary revolutions. An English gentleman, having occasion to employ a French hair-dresser, found out that his *friseur* had been, till very lately, a valorous dragoon, and had figured in that capacity at Albuera, and other actions in Spain; not content with one change of profession, the *quondam cavalier* one morning announced another to his customer, in these words—"*Je vais me marier et ensuite changer d'etat; ma femme et moi nous allons nous mettre dans le negoce.*" "*Dans quel negoce?*" asked our countryman. "*Ma foi! ce sera, je crois, un petit negoce d'epicerie.*" The same gentleman, on sending an order for shoes to a person who had worked for him in that capacity, was disappointed by a long delay, and, on repeating the message in somewhat angry terms, receiving for answer, "*Monsieur, on ne s'est pas occupé de vos souliers, parceque Monsieur——a changé d'etat; il s'est mis dans la partie de la dentelle.*"

DEVELOPEMENT *of the* HERCULANEUM ROLLS,

By Dr. Sickler, Professor of Ancient Languages to his Serene Highness the Duke of Saxe Hildburghausen, and Member of the Royal Society of Gottingen, &c. &c.

The lovers of literature are at length, it appears, in a fair way of realizing the long hidden contents of these precious relics of antiquity, the Six Papiri, given by his Majesty the King of Naples to Buonaparté but now in the possession of the French Academy; and likewise those Herculaneum Rolls in England, under the especial care of his Royal Highness the Prince Regent.—According to a letter, dated Paris, Dec. 24, 1816, from Sir Thomas Tyrwhitt to Dr. Sickler, it seems, "that in spite of the zeal of Mr. Hayter, his progress has not been more rapid, nor his success greater, than at Naples; and that as long as this system is persisted in" Sir Thomas Tyrwhitt asserts, "it will be impossible for human ingenuity to give the contents of these manuscripts to the world"—From the answer of Dr. Sickler, at Hidburghausen, Jan 8, 1817, he seems to express considerable gratification, in being thought capable of undertaking and executing a work, which up to the present moment, has almost uselessly occupied so many of our most enlightened scholars and experienced artists; and which has involved them in various perplexities, without any beneficial result.—The Doctor observes, that if the Rolls at Paris and in London have writing only on one side; as they are commonly found—if they are not lacerated, or torn in pieces, by any mechanical violence—if they have not been injured by the application of drugs or chemical matter—if their writing has not been destroyed either by the action of fire, or by the effect of damp—finally; if the obstacles which have hitherto presented themselves to their complete developement are only those which have occurred at Naples up to this time, he will undertake to guarantee the success of his method. He engages, that in unrolling the Herculaneum Manuscripts, they shall scarcely lose a particle of their fragile composition—that the pages adhering to each other, shall be separated without suffering the smallest damage—that the writing, which has not been effaced by the action of fire, shall be produced perfectly legible; and that the expedition and rapidity with which the developement shall take place, shall astonish those who are acquainted with the method hitherto practised at Naples, and who are able to appreciate the difficulties and the merit of the operation. The Doctor thinks it perfectly practical that a roll of eighty or one hundred columns—each column containing twenty-four or thirty lines, and each line ten or twelve words—may be unrolled in the space of five or six weeks—As far as regards the material obstacles that have occurred up to the present moment, from observations made at Naples, and upon the method made use of there, as well as upon paper tightly rolled, gummed together and carbonized, as also from experiments made upon fragments of actual Herculaneum Rolls, he undertakes to surmount them all; but the expedition with which the process is pursued must depend entirely upon the work being followed up without interruption—Dr. Sickler requires, after the developement of an entire roll, the parties engaged shall not disclose the secret of his invention to any one in France, or elsewhere: but if his Royal Highness the Prince Regent, as the first personage who has had the glory to patronize this undertaking, should desire to be possessed of the secret, the sum of three thousand pounds sterling shall be paid to him; a moiety of which shall be payable the moment he has finished the developement of the first two rolls, and the other moiety when the whole of the undertaking is completed. An annuity also, of one hundred pounds, to be secured to him for his life; and to be permitted to add a short Latin preface, with some observations, as well as his name, to the first two editions of any work which he may develope.—It is the opinion of Professor Millin (keeper of the cabinet of medals, and cameos, and antiques, in the Royal Library at Paris), that Dr. Sickler is a person passionately fond of literature, of the highest probity, and of the most honourable character. That he has edited a very curious work, entitled, "Histoire generale de la Culture des Arbres a Fruits," 1802, 8vo. Also a small work in German, "The History of the Removal of the Works of Art," 1803, 8vo, in which he traces their removal from one country to another, from remote ages down to the present time, and a map of the antiquities of the "Campagna di Roma," in two most interesting volumes. Dr. Sickler is an ardent lover of the Arts, and that it is principally with this view, and in order to obtain a knowledge of what they contain (and not from any sort of speculation), he has entered into the subject of the Herculaneum Manuscripts. He has a great knowledge of antiquity, and is a good Grecian, and therefore cannot be considered in the light of a mere mechanical operator. He is a man of high honour, and the Professor is fully persuaded, incapable of imposition, or of any premeditated deception.

Professor Millin further adds, that it would grieve him much, were so illustrious a character as the Prince Regent of England, who has demonstrated to the world such an ardent zeal for literature and the arts, as well as a nation so generously characteristic, to be subjected to fraud or imposition.

Upon Dr. Sickler's invention of an improved method of unrolling the Herculaneum Manuscripts, undergoing the most minute investigation before a Sitting of the Royal Society of Arts at Gottingen, Nov. 9, 1814, before Mr. Osiander, the president, and Messrs. Blumenbach, Hansman, and Herren, especially appointed for that purpose, the latter gentleman made the following report:—"It is necessary to premise, that Dr Sickler was six years in Italy; during this interval, three times at Naples; and from his acquaintance and friends in that town, he had more than the ordinary means of becoming perfectly acquainted with the process at that time in use, to be sensible of its faults, and, at the same time, to convince himself of the superiority of his own invention.—The number of manuscripts which have been recovered from Herculaneum, and which remain at present unrolled, or only in part, amount to 1,400. These rolls are, for the most part, of equal length, though not of equal thickness, and, consequently, their contents are more or less voluminous. Very hasty conjectures have been formed upon their contents, but which have been refuted by the fact. It can be no longer matter of doubt, that they contain writings upon different subjects, as well in Greek as in Latin—in verse as well as prose; as a treatise has already been found upon Music; a work of Epicurus, upon Nature; a Latin poem; a fragment of works upon Geography and upon Natural History; and though, at this moment, we cannot judge with any precision of the further contents of these rolls, there is the strongest room for thinking they are a treasure, in which is hidden what would prove of the greatest importance to classical learning: and that the hope of finding the comedies of Menander, or the lost books of Polybius, cannot be called chimerical. The discovery of these manuscripts naturally excited expectations of this kind; but the task of unrolling them appeared an undertaking of no ordinary difficulty.—When Herculaneum was covered (79. J. C) by the eruption of Vesuvius, the room in which these manuscripts lay, though it remained untouched, was completely covered with a thick layer of ashes, over which had flowed a stream of lava. The papiri, subjected to this kind of heat, were not burnt, though they were carbonized. On the first discovery of them; they were taken for any thing but writings, and narrowly escaped being flung away as mere coals. As soon, however, as they were known to be writings; they attracted no small attention, particularly after the observations which the immortal Winkelman made upon them. Antonio Piaggi, a Genoese monk, suggested, at that time, a mode & a machine for unrolling them: with this machine the operation of unfolding them commenced; but it is well known that the expectations which were formed of it, have by no means answered; the process has been described by Winkelman and others. It consists in applying small pieces of gold-beaters' skin, when lightly gummed, upon the back surface of the roll, to which silken threads are fastened, and which; by the help of the machinery, gently raise the surface so lined. This machine consumes, in the first place, so much time, that a whole month was sometimes necessary to unrol a single leaf: besides this inconvenience, it was scarcely possible to avoid making rents and holes, thereby rendering it necessary to supply the text by conjecture.

Mr. Herren's report of the Committee upon Mr. Sickler's invention is as follows:—"The mode of unrolling the carbonized Manuscripts of Herculaneum, as proposed by Dr. Sickler, differs materially from that which has hitherto been used, and appears to us to unite the necessary requisites to put them in form to be read with less difficulty, and considerably to hasten the operation in point of time. The adhesive mixture used by Dr. Sickler, is of that quality as to agree full as well with the interior of the roll, as the other preparation which is applied to line it. It dries slowly, which affords the advantage of not being compelled to adopt any extraordinary precipitancy; and if by accident, any bit of an under page should stick to that already lined; it may be easily separated. The substance upon which the manuscripts are to be rolled, is of so supple and pliable a nature; that it can be equally applied to the rolls indented and crooked, at the same time affording them a sufficent consistency for the operation of unrolment. The machine proposed is very simple as to its mechanism, and has the important advantage of permitting the work to proceed with the most perfect order, and without any danger of injuring the carbonized substance. Under all these circumstances, the Committee is of opinion, that the method proposed by Dr. Sickler is likely to obtain the object he has in view; and the Royal Society, considering the very high importance this discovery may prove to the learned world, cannot but heartily express their wishes that such an opportunity may be afforded to him."

It appears, that Sir Thomas Tyrwhitt, who received, on the 19th of January, 1817, fac similes of a fragment of an Herculaneum Roll, and also a legible transcript of the same when unrolled; from Dr. Sickler, is so perfectly satisfied of the utility of the invention, that he will not only lay the above plan before his Royal Highness the Prince Regent (for his approbation, and who has been for many years past the zealous patron of this undertaking); without the least possible delay, but give it every support.

ANECDOTE.—A soldier, who had the good fortune to escape unhurt from the late explosion of the steam-packet at Norwich, on finding himself in the water; and having only a day's leave, immediately swam back to one of the other vessels of the same description, ascended her deck, apologized for the bad plight in which he appeared, and begged leave, as he had been disappointed of his passage in one, that he might obtain it in the other. If this soldier had been a man of rank, and had shown an equal devotion to his duty, his conduct would probably descend to posterity, to be quoted for ever as an instance of greatness of mind.—At any rate, the celebrated Pompey, both in his lifetime, and repeatedly in modern ages, has received the highest eulogiums for a proceeding not a whit more splendid than this almost unknown action of a nameless soldier. Lord Bacon thus tells the story in his apophthegms:—"Pompey being commissioner for sending grain to Rome in time of dearth, when he came to the sea, found it very tempestuous and dangerous, insomuch that those about him advised him by no means to embark; but Pompey said, 'It is of necessity that I go, not that I live.'"

DRAMATIC REVIEW.

COVENT GARDEN THEATRE.

THE CONQUEST OF TARANTO, OR ST. CLARA'S EVE.

Mr. Dimond is still in the land of the living, and pretty convincing evidence has he given of the fact. Some few of our readers will remember one or two of his early pieces, which drew so largely on the patience of the audience and the hand of the scene painter. The Foundling of the Forest (a very delectable and illiterative titled play, and like most high titled things sufficiently empty and ridiculous) was brought out at the little theatre in the Haymarket and well received. This odd jumble of Barons and baseness,—of Counts, starts, and murders,—of songs, intoxication and spangled pantaloons,—was afterwards performed at Covent garden with equal noise and success. Mr. YOUNG, who has the art of making a gentleman of the fiercest ruffian or hero,—of hanging the mantle of gentility over the coarsest shoulders,—contrived to elevate a loud, sad, black German-hearted Count into the very *Jaques* of melo-drames. LISTON hung out his round face over the lamps like a sun, and warmed the souls of all spectators with its right comfortable light. He at the same time sang a song, in a temporary fit of intoxication, which he took up as a man would a foil, to play about with;—this same song was hobly destitute of music, and plentifully enriched with *single entendres*, which never failed. Mrs. LISTON, if we remember well, stood by the knee of her husband, with her little figure as round as a billiard ball,—and her face, the pillow of good nature:—There she was, looking up to her Husband,—a fine little moral in the eyes of all wives. We like to see Mr. and Mrs. Liston on the stage together,—there seems such a harmony of humour with them:—the eye sinks in the fulness of delight from "that face" of the former which is a better joke in itself than the best thing ever written,—and immediately reposes on a sweet little humap pillow which lulls even the labour of mirth to rest. Mr. LISTON is a man rich in a quiet intense humour, which runs over our hearts like honey. He pours his looks on the audience as though they were made of oil,—and speaks "most pleasing music, and not wild uproar," to all listeners—(We hope Mr. BOOTH will see this last sentence)—The audience might indeed be called Listeners when this good creature acts. His tones are a sure "balm of hurt minds,"—his hands can at any time knit up "the "ravell'd sleeve of care,"—he is truly "the chief nourisher at life's feast." Mrs. Liston is a sweet little woman, which nature made in her laughing moments after seeing (in prospective) LISTON in *Lubin Log*, or BOOTH in *Sir Edward Mortimer*.—But to return to Mr. Dimond,—the next play of this valuable writer, was a wild and marvellous drama, half German and half St. Giles's, called *the Doubtful Son*;—the incidents were of the same kind with those in *the Foundling of the Forest*, only more confused and less furious. After an absence from the theatre of a few seasons, Mr. Dimond has again come forward with a Romantic Play (by which is meant, an unintelligible and gorgeous one) called ——*The Conquest of Taranto, or St. Clara's Eve*——and we think he has now reached the height of folly and affectation. What is to be done!—How shall we describe it?—How speak of it?—How think of it?—Our minds seem to have but just recovered from a wild and unmeaning dream of Moors, pastoral lovers, and accomplished christian knights. All is indistinct. The incidents are of the true diamond cut, only duller and duller. The characters are all of the Tom Thumb description,—"so renowned, so uproarious,"—that we can only listen and not understand. Mr. YOUNG wears a turban, and something of a saffron phiz,—and draws a scimiter,—and swears by Alla!—and points to the crescent,—and does nothing else. Some ladies, however, observed to us that they thought he was quite the gentleman:—which we could not contradict. There was a kind of demi-devil admirably played by MACREADY,—bating a little of its vehemence and its silliness. The lower tones of this actor's voice are very full and majestic;—We wish that Nature had given him a better face, figure, and taste:—The first is in a bad case, and not to be rectified,—the second might be dressed to advantage,—and the last is certainly open to amendment. Let him look to these. Mr. BOOTH,—we could but "hear him speak, and say as nought,"—was louder and more tasteless than ever—There is nothing in nature so turbulent as his voice. Thunder is as the lisping of a child to it—A hail-storm is but an Æolian harp compared with it.—Had Mr. BOOTH been Canute he would have out-roared the sea,—and we are not sure but the waves would have retired at his words,—we always feel disposed to to do. The only character, we can recollect, for which he is peculiarly fitted is the Raven on Macheth's battlements:—How admirably would he croak Duncan's fatal entrance!—To be sure he might play the Lion in *The Midsummer Night's Dream*;—he would do it to the life, roaring and all. Miss STEPHENS sung one or two indifferent songs in an exquisite manner,—and after the whirlwind of Mr. BOOTH's passion, she begot a calmness which was delight itself.

LANCASTER LENT ASSIZES.

PROFESSIONAL SLANDER.

MARGETSON *v.* HINDMORE.—This was an action for slander and defamation of character, brought by the plaintiff, a well known Westmoreland Attorney, against the defendant, equally respectable in the same profession, in Lancashire.

Mr. Scarlett, for the former, in stating the case to the Jury observed, that the professional situation of his client was most peculiar as it regarded character, and had such a sense of that situation, operated on the mind of the defendant, it was impossible, without attributing to the latter the most cool and deliberate malice, that the injury of which Mr. Margetson was about to complain, could ever have been inflicted. The relative pursuits of the parties, engaged as they constantly were in matters of the most important nature, might well have inspired the defendant with some little share of sympathy, and while he (Mr. Scarlett) admitted the doctrine of allowance for "words spoken in anger," he could not but view with detestation, the man, who, from malignant or envious motives, would rob his professional compeer of his reputation and good name, and this with a view to injure his prosperity. Of such an attack by the defendant, against his client, he had now to complain,—he had to complain too, that the attack, which was most wanton, was frequently repeated, and imputed not only to the plaintiff the slur of gross ignorance in his profession, but wilful and corrupt practices, knavery, roguery, and villainy combined. The character of an attorney, the learned counsel observed, was perhaps one where the united recommendations of professional skill and integrity became eminently necessary, when it was considered that into their hands were frequently committed, the lives and properties of the subject, for care and protection. A base and unfounded calumny against the man of trade and commerce was equally unjustifiable, but the operation of the slander, perhaps, would not be so likely to produce its ruinous effect upon the latter as it would upon the former. With this short preface, he would proceed to establish his case by evidence; and this done, he would call upon the Jury to inflict such a punishment on the defendant, as would teach him and others, that when the passions of malice or envy pre-

Digitized with financial assistance from the Government of Maharashtra on 28 June, 2017

vailed over reason and truth, to the designing injury to another, there was not only a law for the protection of character, but that law could impose its judgment the more severely, when a professional man was assailed by him who should have been his professional friend.

Christopher Metcalf deposed that he knew the defendant, and was a tenant under him at Hartley for three years. He had a dispute with him at Michaelmas about the payment of rent, when the defendant denied having received 31*l.* Witness then insisted, and would swear he had paid it, but the defendant only desired him to go about his business, saying, "You had better go and consult with Margetson; he is the biggest rogue and the biggest villain in England; he knows no law, he knows nothing; in fact, he is a fool and a knave, and any old wife knows more law than him." The plaintiff was the attorney of the witness, and Hindmore knew it.—Cross-examined by Mr. Raine. Witness never applied to a person named Jackson, in order to prevail on the defendant to continue him as his tenant. Was distrained by Mr. Hindmore for rent due to the latter, but his brother-in-law, named Rogerson, found security; knew nothing of an offer of abatement of 20 per cent, if he, witness, would quit the premises. The defendant might be angry when he used the words against Mr. Margetson, but he, witness, thought he had most reason to be angry for the loss of his 31*l.* The words used by Hindmore against Margetson he would swear injured the latter in his estimation.

Thomas Rogerson is brother-in-law to the last witness, and was his security to the defendant when distrained for rent. Witness told the defendant, that something must be done respecting the 31*l.* paid by Metcalf, when the former said, "You had better consult some one: there's Margetson, a roguish fellow—every body knows of his villainy—a person of character would be sorry to act with him—he follows nothing but roguery and villainy; and any old woman knows more law than him." Witness spoke rather within bounds of the defendant's language on the present occasion, but he had heard him for five or six years past speak in the most disrespectful terms of Mr. Margetson.

Cross-examined by Mr. Raine.—"You, I believe, went security for your brother as to the rent?—Aye, and good security it was too, to such *loike* as Mr. Hindmore."

Question by Mr. Justice Bailey.—The plaintiff Margetson was previously your attorney; would you, after hearing the words you have just related, employ him again?—I think I should!

Mr. Raine rose on the part of the defendant, and expressed a hope that the jury would see the real complexion of the case, when he stated to them, that the defendant not only brought this cause of his own into court, but that he described upon the record, that he "was a man of great professional skill, learned in the law, and deriving high emoluments, profits, and advantages from his pursuits." Then there was a statement, that by reason of the words they had heard, (but which, in fact, were no more than idle expressions, carried about or exaggerated by the witnesses,) he had been "brought into scandal, infamy, and disgrace!" Why had he not, enquired the learned counsel, brought his action in Westmoreland, that "land of slates," where he was known—why bring his broils into the county palatine of Lancaster? He, Mr. Raine, would tell the jury why—because it but too often happened that "a man was found not to be a prophet in his own country; and at Appleby, so well was the defendant known, that his action there would not produce him a farthing." But looking at the question more seriously he would say, that were a justification allowed, he could very satisfactorily account for the words used by his client regarding the defendant. Still, however, he would contend, that they were never meant to effect the injury complained of, nor had they in fact done so, for even one of his own witnesses had declared, "that so far from having such a tendency, he was ready to employ the Westmoreland attorney again!" Under all the circumstances, therefore, the Learned Counsel put it to the Jury whether even the slightest injury had been sustained by the plaintiff; but if they were of the opinion that a verdict should lie, he trusted it would be that of giving him but one farthing, which might send him back to the land of slates, to end his quarrels there.

Mr. Justice Bailey, in addressing the Jury, was clearly of opinion, that the words attributed to the defendant respecting the plaintiff, were actionable, and that there were but two points left for their consideration. The first was, did the Jury believe the testimony of the witnesses for the plaintiff, who swore to the words? & next, if they did, what was the injury sustained? In judging of the latter point, they would recollect, that while one witness swore he thought worse of the plaintiff, from the use of the words, the other, who had perhaps less reason to think favourably of him, declared he would employ him again.

The Jury having retired about twenty minutes, returned a verdict—Damages for the plaintiff Fifty Pounds.

COURT OF EXCHEQUER.

LIABILITY OF COACH DRIVERS.

BODENHAM and others *versus* BENNETT.—This was an action brought by the plaintiffs, who are bankers at Hereford, to recover 340*l.* being the amount of bank notes sent by them per the defendant's coach, to Brecon in Wales. The case was tried on the Oxford Circuit, before Mr. Baron Graham, and the facts were shortly these: the plaintiffs having occasion to transmit a parcel of notes to a banking firm with which they carried on business at Brecon, sent it by their clerk to the defendant's office at Hereford, where it was booked, and the carriage paid. It was duly entered in the way bill, and forwarded by the coach; but never reached its destination. Upon enquiring it was ascertained that the parcel had been placed in the seat of the coach, but that on the arrival of the vehicle at Brecon, the book-keeper, supposing the coachman had got it in his pocket, although it was entered in the way bill, never made any enquiry respecting it, and the coach proceeded on to Carmarthen. This book-keeper, whose name was Peters, was called on the trial, and his evidence went to prove, that the coachman, when he arrived at Brecon, was somewhat intoxicated (which was his constant practice), although not so much as to be unable to take care of a parcel. The action was brought on the ground that the servants of the defendant had not exerted due care and diligence, and had thereby been instrumental to the loss, for which their employers, of course, become liable. On the trial, the jury found a verdict for the plaintiffs. In the ensuing term Mr. Taunton obtained a rule to shew cause why a new trial should not be granted, alledging that the verdict had been against evidence.

Mr. Peake this day shewed cause against the rule, contending that the evidence of Peters, the book-keeper at Brecon, had fully substantiated the fact of there having been gross negligence in the conveyance of the parcel in question, which, from the persons by whom it was sent, as well as those to whom it was directed, must have been known to be a parcel of value. It appeared, that, instead of due care having been taken to deposit the parcel in a place of security, it was left in the coach seat, exposed, of course, to all the passengers, who might chance to enter the conveyance; added to this, it was admitted that the coachman was intoxicated when he arrived at his journey's end, and that even the book-keeper, although he saw the state in which the coachman was, and saw by his way-bill that a parcel had been sent by the coach, which had not come to his hand, never once asked what had become of it, or took the trouble to ascertain whether it was safe or not. Under all the circumstances, he apprehended the court would have no hesitation in discharging the rule.

Mr. Taunton, in support of his rule, submitted, that the only ground upon which the defendants in this case could be considered answerable for the loss in question, was the adduction of positive proof, that there had been an actual gross negligence or misfeasance on their part in the conveyance of the parcel. He had to contend, that no such evidence had been given on the trial. He admitted that Peters, the book-keeper, had said that the coachman was intoxicated; but then he added, "that he was not so drunk as not to be perfectly capable of doing his duty;" and if coach proprietors were to be answerable for all losses which might be sustained, because their drivers occasionally drank on the road, he imagined that there was not one of them who could escape ruin. As to the book-keeper not having searched for the parcel, he knew very well that it was customary for the guard and coachman to take charge of parcels for bankers, and therefore very naturally supposed the coachman in this instance had the parcel, and would deliver it in person. He conceived it would be extremely unjust, that for the sake of fourteen pence, which was all that was paid for the carriage of the parcel in question, the defendant should be exposed to so heavy a loss, and more especially as they received no intimation whatever of its value. A notice was placed up in their office, announcing that they would not be answerable for any parcel above the value of 5*l.* unless paid for accordingly, and no extra payment whatever had been made by the plaintiffs. With these circumstaces before them, he was confident the court would see the propriety of sending the case down for a new trial.

Sir Wm. Owen, on the same side, contended with his learned friend, that unless gross negligence was proved, the defendant could not be considered as answerable for the loss of this parcel. In support of his argument he particularly cited the cases of Beck *v.* Evans, 16th East. 244, and Levi *versus* Waterhouse, 1st Price's Reports, 280.

Mr. Puller followed on the same side, and took the same course of argument.

Baron Graham said, that there was not much difficulty in applying the law of the land to this case. By the law of the land it was clearly laid down, that carriers were bound to take the strictest care of all parcels entrusted to them for conveyance from place to place. This law originally was extremely severe upon carriers, and even rendered them liable for losses incurred under circumstances however unavoidable on their part. Of late years, however, this severity had been considerably relaxed, and now, by decided cases, it was held that they were answerable alone upon common contracts, were they appeared to have been grossly negligent in the discharge of their duty. The present case he considered as one coming within the law as it existed, for it was proved, beyond a doubt, that the grossest negligence had existed on the part of the defendant's servants, who, if not parties to the theft committed, were manifestly instrumental to its committal. The coachman was admitted to have been drinking, and yet the book-keeper, seeing him in such a state, neglected to make any enquiry whatever respecting a parcel which he saw entered in the way bill, and which he must have known, from the persons to whom it was directed, contained property of value. He saw no ground whatever for disturbing the verdict, which he thought had very properly been given for the plaintiff.

Mr. Baron Wood was of the like opinion.

Mr. Baron Garrow considered this question one of considerable importance to the public. According to the system by which the carriers of the present day seemed desirous of carrying on business, it appeared to be a sort of lottery, in which the public were to risk their property, in the proportion of ten thousand blanks to one prize. In fact, the carrier was to have no responsibility whatever, and the public were to take their chance as to whether their property, when delivered for the purpose of being conveyed from place to place, would ever reach its destination, or ever be heard of afterwards or not. The law, as had been very justly stated, was clear, and if a wilful or gross negligence was apparent, the carrier was undoubtedly liable for all loss sustained. In this, there was nothing harsh or severe. Carriers must employ persons capable of doing their duty, and worthy of confidence. He saw no ground whatever for disturbing the verdict in this case, for it was evident that the grossest negligence had existed.—Rule for a new trial refused.

COURT OF KING'S BENCH—FRIDAY.

CRIMINAL INFORMATION.—LORD SIDMOUTH'S CIRCULAR.

Mr. Scarlett moved for a criminal information against the Rev. Edward Powis, a Magistrate of the county of Stafford, for various misdemeanours stated in the affidavits. The facts were of such a nature that the learned Counsel sincerely hoped they would admit of contradiction or explanation. In the course of his practice he had never seen together so many instances of ignorance or misconduct in the administration of justice as were collected in the documents on which the application was founded. It was difficult to account for them on any other supposition than that the reverend gentlemen had determined to set all law and regularity of proceeding at defiance. The interposition of the Court was required on behalf of a person of the name of Parkinson, a schoolmaster, and a seller af books, at Hanley, Staffordshire, against whom it appeared that the Magistrate was resolved to proceed on some accusation or other, and he took the following method of accomplishing his purpose:—On the 5th of April last he caused two persons, of the names of Fletcher and Deacon, to be brought before him under a warrant; the one was a vender of blacking for shoes and the other of pamphlets, &c. and it seemed to be the wish of Mr. Powis to convict them under the Hawkers' and Pedlars' Act, for selling their commodities without a license. It turned out, however, that neither had sold any thing but in open market at Hanley; and for that, under the exception of the Act, no license was require; but the Magistrate persisted, and told Fletcher, who was first proceeded against, that that fact was of no consequence. He then inquired of the accused, if he had not bought some of his pamphlets of Parkinson: he answered that he had; and the Magistrate, without farther inquiry, convicted Fletcher in the penalty, and issued a warrant of distress against his goods, for the purpose of levying the amount; before, however, he had ascertained whether his property would or would not produce the sum, he ordered that he should be committed, telling the constable to take Fletcher to Hanley (seven miles distant from the house of Mr. Powis), that he might be "handier." For two days the man was kept at Hanley, in a place of security; and having no goods that could be distrained under the warrant, he was taken back to the residence of the Magistrate at Westbrook, (we believe was the name of the place mentioned by Mr. Scarlett,) in order that he might be committed to prison. At that time the other man, Deacon, against whom a warrant had been issued, was under examination: he told the magistrate that he could not be convicted under the Hawkers' and Pedlars' Act for selling Blacking, as he was a manufacturer of the article, and sold it only on the open market day. Mr. Powis then told Deacon that he was not brought before him for that purpose, adding, "I want you to give evidence against Parkinson: has he not employed you to sell books for him?" Deacon replied that he had. "Were they newspapers?" was the next question. "No; not that he knew of." "Were they pamphlets requiring a stamp?" "No; he was not aware that they did." Mr. Powis then ordered him into custody, that he might keep him to be a witness against Parkinson. Deacon being sent away, Fletcher was again brought forward, and the magistrate told him, "I do not want to hurt you, if you will say that you received the pamphlets you sold from Parkinson, I will let you go." Fletcher answered, that he was prisoner, & would not give evidence until he was set at liberty; adding, that he had already been convicted under the Hawkers' and Pedlars' Act, and had been two days in custody. Mr. Powis observed, that that was of no consequence; there was no hawking and pedlaring now.—"Since Lord Sidmouth's letter," said he "there can be no justification of hawking: it takes away all right to sell on a market day? the exception in the act is done away with now." He reverted to Parkinson telling Fletcher that he, Parkinson, must be convicted. "What have you had from him?" he inquired; but the man declined telling him. In the mean time, Mr. Powis proceeded to do what the Secretary of State himself could not venture to do in the present day: he issued a warrant against Parkinson to search his house, and to bring away all papers found in it. The constable proceeded to Hanley in consequence; searched the house, and took such papers as he thought fit; but he left behind him some numbers of a periodical paper too well known, called Cobbett's Political Register, which Parkinson, like many other men, took in: these the constable omitted, not being aware that there was any thing objectional in them. Mr. Powis, however, was of a different opinion, and sent him back for them; they were brought accordingly. The next step of the Magistrate was to issue a summons to Parkinson, under which he was to be conveyed before him. The distance from the house of Mr. Powis to Hanley was seven miles, and the constable in a gig, with an attendant on horseback, arrived at the latter place at three o'clock in the afternoon of the 7th of April. He did not deliver the summons to Parkinson, but required his attendance in obedience to it immediately. Parkinson refused to go, and the constable returned to Westbrook; when he arrived, Mr. Powis called Fletcher and Deacon into his presence, and desired that they would tell him if they had not received such papers as Cobbett's Political Register from Parkinson. Deacon replied that he believed he might; but whether the papers contained news or not or whether they fell within the description of newspapers he could not tell. Fletcher refused to give evidence until he was set at liberty, and was freed accordingly; he then admitted that he certainly received some of those papers from Parkinson, upon which testimony a conviction was immediately made out against Parkinson. Both Fletcher and Deacon were allowed to go at large notwithstanding their conviction under the Hawkers' and Pedlars' Act. Directly afterwards Mr. Powis granted a warrant against Parkinson for the penalty of 80*l.* and under it the constable distrained his goods. The whole of this proceeding was most illegal; the magistrate had first declared that he would convict Parkinson, and for that purpose he had resorted to the most unjustifiable measures. Beside other objections, it was clear that the magistrate had no authority; for the last four or five stamp acts provided, that the proceeding against any person for penalties, for selling unstamped newspapers (if such there were) should be instituted by the Attorney General, or by some solicitor or agent appointed by the Stamp-office. On the day following the conviction of Parkinson, a gentleman of the profession called upon the magistrate on his behalf, and remonstrated with him.

Mr. Justice Bayley.—Would any appeal lie against the conviction before a magistrate?

Mr. Scarlett answered in the negative; the last conviction was clearly bad, according to a case decided in the last term; where it was held that for any penalty under the excise laws or the stamp laws, a proceeding could only be carried on by the Attorney-General, or by some person appointed by the respective offices. The jurisdiction of the magistrate was therefore taken away. Parkinson's attorney told Mr. Powis that he would not surely proceed to ruin the poor man by selling his goods to satisfy the penalty of 80*l.*, as the proceeding was illegal from beginning to end; but the magistrate told him, that, unless the penalty were paid, the distress would certainly be carried into execution. The attorney then observed to him, that there was no appeal; which induced Mr. Powis to say, "I well knew that there was no appeal or *certiorari*: if it had been allowed, I should have hesitated before I proceeded to convict so quickly, I wished to punish him, for he deserves it: he sent me word that he should not attend to my summons, and it is now too late for him to do any thing." The learned Counsel added, that there was a case in the books, in which it was declared highly improper in a magistrate to summon a person to appear before him *instanter*, without giving him an opportunity to prepare any defence. He hoped it would appear that Mr. Powis had acted under a false impression of a public duty; but even if that should be established, he would still have to learn, that he was not to allow his imprudent zeal to trample upon all law and justice. It was not impossible that the magistrate had acted under a gross mistake; for the learned Counsel had heard lately of a Justice of the Peace, who, when a question was in discussion, whether magistrates could act under the circular letter of Lord Sidmouth, had strangely remarked that he had been bred a lawyer, but that he should give no opinion upon the point, as he was satisfied that if magistrates did act under it, it was of no consequence, as they would be indemnified by Government.

Lord Ellenborough.—Was that said with reference to this case?

Mr. Scarlett—No, my Lord; but Mr. Powis seems to have thought that the circular letter gave him authority to proceed in any way he thought proper, disregarding the weak provisions of acts of Parliament.

Lord Ellenborough.—When did this transaction take place?

Mr. Scarlett.—On the 7th of April; we have given Mr. Powis notice of this motion.

Lord Ellenborough.—Has any application been since made by the magistrate?

Mr. Scarlett.—None; whatever the gentleman's motives may be, it is quite clear from his declarations, into the particulars of which I have not entered, that he was determined at all events to convict Parkinson. If a magistrate acts in such a manner, this Court alone is the proper tribunal for inquiry and ju[illegible]

Lord Ellenborough.—Certainly, [illegible] your statement, the transaction is too questionable not to impose upon us the duty of requiring an answer from the other side.—Rule granted.

BOMBAY.—PRINTED FOR THE *PROPRIETORS*, BY M. D. CRUZ, IN BAKE-HOUSE LANE,
WERE ADVERTISEMENTS, ESSAYS, POETICAL PIECES, ARTICLES OF INTELLIGENCE, &C. &C. WILL BE THNKFULLY RECEIVED.
Gentlemen about to change their stations, are requested to give notice to the PRINTER, who will pay due attention to their Orders.